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SUBJECT: TURKISH PM TAKES CRITICS TO COURT

Classified by DCM Nancy McEldowney; reasons 1.4 b and d.

¶1. (C) Summary: PM Erdogan has opened numerous legal cases against writers, politicians, cartoonists, and others whose criticism he found personally offensive. Contacts say Erdogan's aggressive response to criticism reflects a combative nature honed during his childhood in an impoverished district of Istanbul. Journalists say the lawsuits have little impact on the press, but raise doubts about the GOT's commitment to freedom of expression. Many GOT leaders see Turkey as already consistent with Western standards on free speech, and therefore do not perceive a contradiction between the PM's pursuit of his critics and GOT political reforms. While the steady stream of lawsuits is clearly at odds with the GOT's stated commitment to political reform, the PM's litigiousness, primarily a consequence of his thin skin, has not resulted in any final court rulings in his favor. End Summary.

Thin-Skinned PM Takes Critics to Court

¶2. (U) Since coming to power in 2003, PM Erdogan has continued a course of action he began during his tenure as Istanbul mayor: pursuing his critics in court. The PM appears unfazed by commentary at home and abroad arguing that his actions reflect a lack of commitment to freedom of expression. Nor has he been deterred by a series of rulings against him. Most of the cases he has launched are civil suits, but at least one is a criminal case in which a conviction could lead to a jail term. A range of contacts tell us that Erdogan's thin-skinned reaction to criticism reflects his aggressive personality, noting that previous Turkish PMs had a more tolerant approach.

¶3. (U) In May 2005, Justice Minister Cicek reported that Erdogan had opened 57 speech-related cases, and that courts had awarded him USD 85,000 in damages. Cicek issued the report in response to a formal inquiry by Haluk Koc, an MP from the opposition Republican People's Party (CHP) whom Erdogan has sued twice.

¶4. (U) Some of Erdogan's recent legal cases include:

-- In February 2005, an Ankara court convicted Musa Kart of

the daily Cumhuriyet for a cartoon portraying Erdogan as a cat. The court ordered Kart to pay USD 3,800. The ruling is under appeal.

-- The satirical magazine Penguen poked fun at Erdogan's lawsuits against cartoonists by publishing a front page filled with drawings by different artists depicting Erdogan as various animals. In March 2005, Erdogan opened a case against Penguen seeking USD 28,000 in damages. In February 2006, an Ankara court ruled against Erdogan, dismissing the case. It is not clear whether Erdogan will appeal.

-- In March 2005, Erdogan opened a lawsuit against author Yalcin Kucuk for insulting him in his book "The Rebellion," in which Kucuk refers to Erdogan as "one of the most ignorant leaders in Turkish history." In April 2005, an Ankara court rejected Erdogan's request to stop publication of the book and confiscate copies. In January 2006, the court ruled against Erdogan's request for compensation.

-- In April 2005, a court convicted writer Fikret Otyam for an article he wrote in Aydinlik magazine mocking Erdogan for supporting legislation outlawing adultery. The court ordered Otyam to pay the PM USD 3,434 in damages. The ruling is under appeal.

-- In October 2005, Erdogan filed a legal complaint against Aynur Saydam for insulting him by holding up a banner during an appearance at Bahcesehir University. The banner featured the question, "Whose Prime Minister Are You?" -- a criticism of Erdogan's support for a conference on the fate of the Armenians in the final days of the Ottoman Empire. If convicted, Saydam could face a prison term of up to 2 years. The case is ongoing.

ANKARA 00001115 002 OF 003

-- In December 2005, the High Court of Appeals overturned the 2004 conviction of political cartoonist Sefer Selvi for "publicly humiliating" Erdogan by depicting him as a horse. A lower court had ordered Selvi, a cartoonist for the daily Evrensel, to pay USD 7,361 in damages.

-- In January 2006, Erdogan filed charges against CHP MP Koc for asserting in a press conference that Erdogan was "trying to wriggle out of" his responsibilities by refusing to divulge his financial wealth. Erdogan also opened separate cases against the dailies Radikal and Cumhuriyet for reporting Koc's comments.

15. (C) Radikal columnist Murat Yetkin told us Erdoga is "making a fool out of himself" with these lawsuits. Yetkin said Erdogan is "100 percent guaranteed" to lose the cases against Radikal and Cumhuriyet for reporting Koc's comments -- what could be more routine than reporting the public comments of a parliamentarian? Yetkin attributed Erdogan's aggressiveness to his broad sense of what constitutes an "insult." Under recent legal reforms, speech aimed at criticizing the government and state is protected, but insults are not. Yetkin said Erdogan cannot distinguish between criticism and insults, at least not when he is the target.

Combative Nature Stems from Upbringing

16. (C) Both supporters and critics of Erdogan agree that previous PMs were more tolerant of criticism, even when faced with commentary more blunt than what Erdogan has confronted. Ersonmez Yarbay, an MP with Erdogan's ruling Justice and Development Party (AKP), acknowledged that he disagrees with Erdogan's frequent legal actions, but noted the PM "loses his temper easily." Like a number of our contacts, Yarbay attributed Erdogan's uncompromising approach to his upbringing in the hardscrabble Istanbul district of

Kasimpasa. Hurriyet columnist Sukru Kucuksahin sees the PM's thin skin as due in part to a quasi-religious belief in his "mission" to lead Turkey.

¶7. (C) The lawsuits are not the only evidence of the PM's thin skin and combative nature. He has had testy relations with the Turkish press almost since he took office. Yetkin and Kucuksahin told us the PM frequently calls editors to complain about stories he does not like. Many reporters no longer ask him tough questions because of his tendency to give insulting responses. Erdogan has also rankled a number of AKP MPs with his often blunt, dismissive responses to queries at party meetings. The PM recently drew criticism for his angry rebuke of a farmer during a trip to Mersin Province. The farmer, shouting at Erdogan, complained about economic conditions and said, "You made our mothers cry." Erdogan replied "You cannot shout at a Prime Minister like that," and rudely told the farmer to "take your mother and get lost."

¶8. (C) Erdogan maintains that he is trying to protect the "dignity" of the office of Prime Minister. "If you do not protect the leaders, you will destroy the society," he told reporters. Koksak Toptan, chairman of the parliamentary Justice Committee, defended the PM's lawsuits in a meeting with us. Toptan averred that Erdogan only goes to court when someone insults him personally, not when someone criticizes his policies. He said that even in Western democracies, freedom of speech must have limits, and claimed that every Turkish law restricting speech is mirrored by an identical law in at least one EU country. If European leaders are not similarly taking their critics to court, Toptan mused, it may be because European writers and politicians are more respectful than their Turkish counterparts.

¶9. (SBU) Erdogan's aggressive approach may be influencing other cabinet members who have also taken their critics to court. Nimet Cubukcu, State Minister for Women's Affairs, has an ongoing case against six women's rights advocates for criticizing her stance on a proposed constitutional amendment

ANKARA 00001115 003 OF 003

on gender equality. Health Minister Akdag pressed charges against two members of the Turkish Medical Association in 2004 for criticizing his response to a work-stop action by physicians.

¶10. (C) Yetkin said the PM's "ridiculous" lawsuits do not have a chilling effect on the press, but do undermine the credibility of the GOT on freedom of expression, and on political reform in general. Asli Aydintasbas, Ankara bureau chief for the daily Sabah, told us the lawsuits do not affect established journalists who can count on backing from their employers, but do intimidate smaller media outlets. A number of journalists have criticized Erdogan for failing to support a broad Western-style concept of freedom of expression, despite the fact that he served jail time in 1999 for reciting an Islamic poem in public.

WILSON